

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA, ex rel.,)	C/A: 3:15-2575-JFA
FRANK KURNIK, et al.,)	
)	
Plaintiffs,)	ORDER
)	
v.)	
)	
PHARMERICA CORP, et al.,)	
)	
Defendants.)	

The United States Department of Justice, on behalf of the Centers for Medicare and Medicaid Services, has moved for relief of its obligation to respond to Pharmerica Corp.'s subpoena for 30 days to allow the parties to finalize a resolution of all claims in the underlying litigation.

As this Court has learned from other litigation in this district, the fact that the *qui tam* relator and the present Defendants have agreed to a settlement does not mean that the case will not go forward to a trial if the Government does not consent to the settlement. If the Court grants the request, no activity will occur while the Government studies the proposed settlement in an effort to determine whether to agree with it.

Not wishing to delay the ultimate resolution of this case one way or the other, the Court is constrained to deny the motion and require the Department of Justice to respond to the subpoena on or before August 15, 2015. This will allow the case to continue moving forward in the event that the settlement is not consummated.

IT IS SO ORDERED.

July 21, 2015
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge